

**MINUTES OF THE REGULAR MEETING OF THE
UPLAND CITY COUNCIL
MAY 29, 2018**

OPENING

The regular meeting of the Upland City Council was called to order by Mayor Debbie Stone at 7:00 p.m. in the Council Chamber of the Upland City Hall.

1. ROLL CALL

Present: Mayor Debbie Stone, Council Members Carol Timm, Gino Filippi, Janice Elliott, and Sid Robinson

Staff: City Manager Bill R. Manis, City Attorney James L. Markman, and Assistant City Manager/City Clerk Jeannette Vagnozzi

2. ADDITIONS/DELETIONS TO AGENDA None

3. ORAL COMMUNICATIONS None

4. CLOSED SESSION None

5. INVOCATION Cantor Paul Buch, Temple Beth Israel

6. PLEDGE OF ALLEGIANCE Assistant City Attorney Steven Flower

7. PRESENTATIONS

Certificates of Completion were presented to the Upland Community Emergency Response Team (CERT) graduates.

Certificates of Recognition were presented to local businesses for their donation in support of the City's Arbor Day event at Memorial Park on April 21, 2018, accepted by Ed Hawkins - Chick-fil-A and Mike Esquivel - Shakey's Pizza.

8. CITY ATTORNEY None

9. ORAL COMMUNICATIONS

A number of individuals spoke in opposition of the censure of Councilmember Elliott. They cited her qualities and experience, and questioned the motivations for the censure. The following spoke:

Dede Ramella, Upland
Lorrie Haner, Upland
Terrie Carmichael, Upland
Valerie Card
Terry Masl, Rancho Cucamonga
Dorothy Lebovitz, Upland
Thomas Allison, Pomona
Martha Goss, Upland
John Ickis, Upland
Barbara Papa, Upland
Melinda Bowen, Upland
Dan Beimuk, Upland
Jerry Fenning, Upland

Steve Morris, Upland
April McCormick, Upland
John Goss, Upland
Rudy Zuniga, Upland
Steve Smith, Upland
Hortencia Muniz, Upland
Dawna Dorcas-Werner, Fontana
Karen May, Upland
Steve Bierbaum, Upland
Brinda Sarathy, Upland
Aleta Wenger, Upland
Natalie Garrett, Upland

Julie Bridge, Upland spoke in support of the censure of Councilmember Elliott and cited social media posts.

Dave Stevens, Upland, stated that Councilmember Elliott's past actions were misleading to the public.

Natasha Walton, Upland, stated concerns regarding the effect the soil work would have on wildlife in the project area. She also stated opposition to the censure of Councilmember Elliott.

10. COUNCIL COMMUNICATIONS

Councilmembers announced various activities throughout the community, including providing an update on the meetings they attended.

11. CONSENT CALENDAR

Councilmember Timm removed Consent Calendar Items 11B and 11C for separate action. Motion by Councilmember Robinson to approve the remainder of the Consent Calendar, seconded by Councilmember Filippi, and carried with Councilmember Elliott abstaining from Consent Calendar Items 11A, 11D, and 11F.

A. APPROVAL OF MINUTES

Approved the Regular Meeting Minutes of May 14, 2018 and the Special Workshop Minutes of May 21, 2018.

D. EMERGENCY PURCHASE AND INSTALLATION OF EQUIPMENT AND PROFESSIONAL SERVICES FOR WATER SYSTEM IMPROVEMENTS

Received and filed the status update.

E. TREASURER'S REPORTS MARCH AND APRIL 2018

Received and filed the March and April 2018 Treasurer's Report.

F. DISPOSAL OF SURPLUS EQUIPMENT

Declared items as surplus, and authorized the Assistant City Manager to initiate disposal of the surplus equipment.

ITEMS REMOVED FOR SEPARATE ACTION

- B. APPROVE A REAL PROPERTY COST RECOVERY POLICY AND AN ESCROW AND TITLE ADMINISTRATIVE MANAGEMENT FEE POLICY FOR THE DISPOSITION OF REAL PROPERTY ASSETS OF THE SUCCESSOR AGENCY TO THE UPLAND COMMUNITY REDEVELOPMENT AGENCY THAT WERE TRANSFERRED TO AND ACCEPTED BY THE CITY**

Development Services Director Zwack presented the staff report and answered questions posed by the Council regarding the property maintenance costs and reimbursement of those costs.

Motion by Councilmember Elliott to adopt Resolution No. 6444 approving a Real Property Cost Recovery Policy for the disposition of real property assets of the Successor Agency to the Upland Community Redevelopment Agency that were transferred to and accepted by the City of Upland, and approving certain related actions; and Resolution No. 6445 approving an Escrow and Title Administrative Management Fee Policy for the disposition of real property assets of the Successor Agency to the Upland Community Redevelopment Agency that were transferred to and accepted by the City of Upland, and approving certain related actions, seconded by Councilmember Timm, and approved unanimously.

C. APPROVAL OF SOIL WORK LICENSE AGREEMENT

City Attorney Markman noted that the soil license was not part of the entitlement process and therefore was not subject to the CEQA process.

Development Services Director Zwack answered questions regarding the history of the entitlement process on the park site.

Motion by Councilmember Timm to approve the Soil Work License Agreement with Bravepark Property LLC for the transport and compaction of soil onto City property, seconded by Councilmember Filippi, and carried unanimously.

12. PUBLIC HEARINGS None

13. COUNCIL COMMITTEE REPORTS None

At 8:50 p.m. Mayor Stone called a recess and the City Council reconvened in open session at 8:55 p.m.

14. BUSINESS ITEMS

A. CONSIDERATION TO ADOPT RESOLUTIONS TO APPROVE A PUBLIC CENSURE AND TO ESTABLISH AND APPOINT A CITY COUNCIL LITIGATION COMMITTEE

City Attorney Markman explained the censure process.

Mayor Stone and members of the Council outlined the background and reasons for the proposed censure.

Councilmember Filippi left the dais at 9:49 p.m. and returned at 9:52 p.m.

Councilmember Elliott provided a response to the statements regarding her actions.

Councilmember Elliott requested that the reconsideration of committee assignments be placed on a future agenda. Councilmember Robinson seconded the request.

Motion by Mayor Stone to adopt Resolution No. 6446 approving Public Censure of Councilmember Janice Elliott, seconded by Councilmember Filippi, and carried with Councilmember Elliott opposed.

Motion by Mayor Stone to adopt Resolution No. 6447 establishing a Litigation Committee of the City Council to confer with Legal Counsel and provide direction to Legal Counsel concerning existing litigation, anticipated litigation and disposition of liability claims pursuant to California Government Code Sections 54956.9 and 54956.95, seconded by Councilmember Timm, and carried with Councilmember Elliott opposed.

Mayor Stone announced that appointments to the Litigation Committee would be brought for Council consideration at the June 11, 2018 meeting.

15. ORAL COMMUNICATION (items not on the agenda)

Natalie Garrett, Upland, requested that more information be provided to the public regarding the water fund balance and the new cost of reservoir repairs.

Karen May, Upland, requested that the City Council rescind their decision to file an amicus brief in the Huntington Beach lawsuit regarding Senate Bill 54.

Steve Bierbaum, Upland, stated that citizens should become more involved and not place all their trust in politicians.

Paulette Feeney, Upland, stated her feelings regarding local response to the issue of Senate Bill 54.

John Goss, Upland, referenced an upcoming trial hearing.

Steve Smith, Upland, suggested the City consider televising Council workshops and special meetings to make the information available to those unable to attend the meetings.

Reuben Rodriguez, Upland, suggested the Council communicate more with State and Congressional representatives.

Larry Abramson, Upland, stated that he supported the Council's decision to file an amicus brief in the Huntington Beach lawsuit regarding Senate Bill 54.

16. CITY MANAGER None

17. ADJOURNMENT

Mayor Stone adjourned the meeting at 11:23 p.m. The next regularly scheduled City Council meeting is Monday, June 11, 2018.

SUBMITTED BY



Jeannette Vagnozzi, City Clerk

APPROVED

June 11, 2018